

AGENDA ITEM

NOVEMBER 10 – Board of Trustees – October 19, 2018 Open Minutes

Open Session Minutes

Regular (Teleconference) Meeting of the Board of Trustees

State Bar of California

845 South Figueroa Street, 2nd Floor, Room 2A, Los Angeles CA

180 Howard Street, 8th Floor, Room 8B, San Francisco CA

CA State Capitol, Room 113, Sacramento CA

76 North Fair Oaks Avenue, Pasadena CA

Friday October 19, 2018

11:00 AM – 1:00 PM

Time meeting commenced: 11:06 AM

Time meeting adjourned: 12:44 PM

Chair: Jason Lee

Secretary: Sarah L. Cohen

Members present: Delen, Duran, Manning, Mendoza, Perttula,
SeLegue, Steinbrecher

Members joined in progress: LaBran

Members absent: Broughton, Chen, Stallings

Public Comment: See below under Item #702

AGENDA

The Board went into Closed Session immediately following roll call and call for public comment (there was none), and reconvened in Open Session at 11:55 AM.

OPEN SESSION

10 Minutes

September 13, 2018 – Open Minutes

September 14, 2018 – Open Minutes

Dispensed with reading; deemed approved by unanimous assent except Duran noted he was not present for September 13, 2018, meeting.

30 Chair's Report – ORAL

40 Staff Reports

41 Executive Director – ORAL

50 Consent – Collectively, deemed approved as amended, except 50-1, Approval for Specified Contracts per Business and Professions Code Section 6008.6, which was pulled from consent for discussion by SeLegue.

50-2 Revision to State Bar Rules to Reflect Revised Grant Timelines: Return from Public Comment and Request to Circulate for Additional Public Comment

RESOLVED, that the Board of Trustees authorize the release of proposed revisions to the Schedule of Charges and Deadlines to State Bar Rule 3.680(E)(1), attached hereto as Attachment C, for public comment for a period of 30 days; and it is

FURTHER RESOLVED, that this authorization for public comment is not, and shall not be construed as, a statement or recommendation of approval of the proposed changes.

50-3 Financial Resolution to Update Authorized Bank Account Signatories

RESOLVED, that authority heretofore granted to persons to sign transfer orders and checks upon the various State Bar accounts and to have access to any State Bar safe deposit box is hereby resolved and it is

FURTHER RESOLVED, that each bank in which the State Bar maintains an account or safe deposit box shall be furnished a copy of this resolution and be notified that the authority to purchase and sell securities, sign withdrawal orders, transfer orders and checks, to order the deposit or withdrawal of monies in the Local Agency Investment Fund, and authorize transfer of funds from one State Bar account to another State Bar account is delegated as follows:

- Executive Director
- Chief Administrative Officer
- Chief Financial Officer
- Finance Manager/Director
- Controller

- Director of General Services
- Director of Human Resources

For checks drawn on a commercial account:

- (a) Any single check of \$75,000 or more requires the manual signature of any two of the authorized persons.
- (b) Any single check less than \$75,000 may be processed through a check signing machine utilizing a signature plate engraved with the name of the Executive Director.
- (c) Transfer of funds from one State Bar bank account to another State Bar account may be approved by any two of the authorized persons.
- (d) Wire transfers to non-State Bar accounts must be processed on-line and require approval of any two of the authorized persons. Manual wire transfers, requested in person at a bank branch are prohibited.

Authority is hereby granted to any two of the above persons to open cash accounts for the State Bar of California at securities brokerage firms and to place orders in such accounts to purchase and sell securities.

Transfer of funds from one State Bar account to another State Bar account, whether requested by telephone, internet, fax, orally or in writing requires the signature of any two of the authorized persons.

In addition, for checks drawn on the Los Angeles commercial account

- a) Any single check less than \$3,000 requires the signature of one of the following:
 - Chief Administrative Officer
 - Chief Programs Officer
 - Director of Human Resources
 - Program Manager, State Bar Court
 - Program Manager, Admissions
- b) Any single check of \$3,000 or more requires the signature of any two of the above listed persons.

50-1 Approval for Specified Contracts per Business and Professions Code Section

6008.6 - Pulled from consent for discussion by SeLeague. Executive Director Leah Wilson provided additional information about each contract.

- 1. For Legal Aid Coordination, with: Legal Aid Association of California**
- 2. For Online Legal Education Hosting Services, with: InfoPro Learning Inc.**
- 3. For Los Angeles Office Janitorial Services, with: ABM Maintenance**
- 4. For Los Angeles Office Engineering Services, with: ABLE Engineering**
- 5. For San Francisco and Los Angeles Multifunction Photocopier Units, with: Konica Minolta**
- 6. For Case Management System Implementation Services, with: Tyler Technologies Inc.**
- 7. For a Justice Gap Study, with: NORC at the University of Chicago**
- 8. For a Legislative Audit, with: The Bureau of State Audits**

RESOLVED, that the Board of Trustees approves execution of the contracts listed herein.

Moved by: SeLeague

Seconded by: Mendoza

Yes: Delen, Duran, LaBran, Manning, Mendoza, Perttula, SeLeague, Steinbrecher

No: N/A

Motion passes.

700 Miscellaneous

701 Strategic Plan

Presenter: Executive Director Leah Wilson

RESOLVED, that the Board approves the following amendments to the 2017-2022 Strategic Plan:

Elimination of the Following Objectives or [Portions of Objectives] from the Strategic Plan:

Goal 2b. Evaluate the impact of Workforce Planning reforms.

Goal 2d. Implement new-attorney MCLE requirements [and evaluate their impact and effectiveness by July 1, 2021].

Goal 3c. Implement a Training and Development Program [and evaluate the implementation and related outcomes by January 31, 2019].

Goal 3f. No later than November 30, 2018, determine whether reallocation of funds to support the discipline system continues to be possible in the light of the fact the Bar has not received a fee increase in 20 years. As part of this effort, reassess the Bar's current Fund classification structure and determine if any changes are needed.

FURTHER RESOLVED, that the Board approves to make the following amendments to the 2017-2022 Strategic Plan:

New Due Dates for the Following Objectives:

Goal 2e. Begin auditing attorney compliance with MCLE requirements in the most cost effective and efficient manner *no later than December 31, 2020*.

Goal 2g. *No later than December 31, 2020*, evaluate attorney self-assessment models and determine which model will be implemented in California.

Goal 2h. *No later than July 1, 2021*, create a fully articulated preventative education approach to include a self-assessment component as well as client trust accounting modules which may be mandatory for some attorneys.

Goal 2p. *No later than December 2019*, conduct a California specific job analysis to determine the knowledge, skills, and abilities for entry level attorneys. Upon completion, conduct a new content validation study.

Goal 3g. *No later than December 1, 2019*, evaluate current collection efforts and determine what might be necessary to improve the Bar's ability to collect discipline and CSF costs.

Moved by: Steinbrecher

Seconded by: Manning

Yes: Delen, Duran, LaBran, Manning, Mendoza, Perttula, SeLegue, Steinbrecher

No: N/A

Motion passes.

702 Tech + Law: State Bar Study of Online Delivery of Legal Services – Appointment of Task Force on Access Through Innovation of Legal Services

Presenter: Randall Difuntorum, Program Manager, Office of Professional Competence

RESOLVED, that the Board of Trustees approve the appointment of the following officers, members and ~~alternates~~~~advisors~~ to serve on the Access Through Innovation of Legal Services task force, for a term expiring on December 31, 20~~19~~~~20~~, unless earlier terminated or extended by subsequent Board action, and it is

FURTHER RESOLVED, that Chair Justice Lee Edmon and staff select four additional non-attorney public members from the existing non-attorney applicant list and a new set of alternates.

Officers

Justice Lee Edmon, Chair

Joyce Raby, Vice-Chair

Toby Rothschild, Vice-Chair

Member Appointments

- 1) Andrew Arruda
- 2) Tara Burd
- 3) Judge Wendy Chang
- 4) Abhijeet Chavan
- 5) Valerie Dean
- 6) Margie Estrada (Senate Judiciary Committee Nominee)
- 7) Lori Gonzalez
- 8) Bridget Gramme
- 9) Andrew Kucera
- 10) Joanna Mendoza (Assembly Judiciary Committee Nominee)
- 11) Kevin Mohr
- 12) Daniel Rice
- 13) Allen Rodriguez
- 14) Daniel Rubins
- 15) Mark Tuft
- 16) Joshua Walker

~~Alternate Member Appointments (in order of preference)~~

~~1) Jean Clauson~~

~~2) IV Ashton~~

Public Comment

Ashley Kearney, law student at UC San Diego Law School and intern at Center for Public Interest Law (CPIL), expressed support for Mendoza's alternate proposal (in Track Changes above) to create a non-lawyer public member majority. Mendoza referred to written public comment she received by e-mail from Tom Gordon who advocates for counting judges as attorneys in calculating whether lawyers or non-lawyer public members constitute a majority.

Mendoza's alternate resolution (to that which staff proposed) is shown in Track Changes above and was moved to a vote.

Moved by: Mendoza

Seconded by: Perttula

Yes: Delen, Duran, LaBran, Manning, Mendoza, Perttula

No: Steinbrecher

Abstain: SeLegue (his firm represents Legal Zoom, an online legal services provider, and there was insufficient time for the Office of General Counsel to render a legal opinion on the potential conflicts issue prior to the vote)

Alternate Motion passes.